



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/867,737

05/30/2001

Takuya Kotani

B588-020

6807

26272

7590

01/26/2005

COWAN LIEBOWITZ & LATMAN P.C

JOHN J TORRENTE

1133 AVE OF THE AMERICAS

1133 AVE OF THE AMERICAS

NEW YORK, NY 10017

EXAMINER

NGUYEN, CAM LINH T

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/867,737

Applicant(s)

KOTANI, TAKUYA

Examiner

CamLinh Nguyen

Art Unit

2161

-- The MAILING DATE of this c mmunication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 9 - 27, 30-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 9 - 27, 30-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to claims 1, 6, 10 – 15, 22, 27, 31 – 36, 39 – 40, 43 are acknowledged. Consequently, claims 1 - 6, 9 - 27, 30-43 are currently pending. Claims 7- 9, 28 – 30, 41 and 42 are cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 6, 9 - 16, 19 – 27, 30 – 37, 39 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al (U.S. 6,408,301) in view of Jernigan, IV et al (U.S. 5,574,907).

♦ As per claim 1, 22, 39 – 40, 43,

Patton et al discloses an information processing method for storing binary data and metadata related to the binary data into a storage medium, comprising:

- “A first storage step of storing said metadata of the plurality of files into a first block storage area that is a continuous area capable of storing metadata of the plurality of files on said storage medium” See Fig.1, col. 4 line 20 – 28.

Art Unit: 2161

- “A second storage step of storing binary data related to said metadata into a second storage area” See Fig. 1, col. 4 line 39 – 45.
 - The “binary data” corresponds to “still image data” (col. 4 line 43).
 - The “second storage” corresponds to the area that stored the image data.
- “A third storage step of storing link information that links said metadata stored... with said binary data” See col. 4 line 45 – 47.
 - The “link information” corresponds to the “image links” (col. 2 line 23 – 35).
 - “The third storage” corresponds the area that stored the image links.
- “Link information is stored into an area adjacent to an area where said metadata is stored”. The “image link” is derived from the metadata, and is stored in the disk 16 in Fig. 3. Therefore, the “link information” must be stored adjacent with the metadata.

However, Patton et al does not specifically disclose the order of storing the binary data, metadata, and linking data. Nonetheless, such is not a patentable distinction. One of ordinary skill in the art would have recognized that either the metadata or the binary data might have been stored first. The choice of sequence provides no unexpected or unobvious result. The ordinary skilled artisan would have recognized that the linking of metadata to binary data would have to occur after those two types of data had been captured and stored. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to practice the invention in different sequence steps such as capture and store either binary data or metadata first, because the choice of sequence provides no unexpected or unobvious result.

Patton does not clearly disclose that the storage area is a continuous area. However, Jernigan, on the other hand, discloses a method for defragmenting file data stored on a disk. There are two stages required. First, rearranges the File allocation Table (FAT) and Microsoft DoubleSpace File Allocation Table (MDFAT) entries into adjacent clusters. Second, moves the data into adjacent variable length clusters such that the data is stored in adjacent sectors with no intervening vacant sectors (col. 8, lines 44 – 49, Jernigan). The FAT and MDFAT can be considered as the linking information of the file.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jernigan into the invention of Patton, so that storing metadata, binary data, and the linking information in a continuous area because it is desirable to defragment the disk such that all files are stored in contiguous clusters. Defragmentation speeds access times and lessens the mechanical wear of the head assembly because an entire read or write request can be executed without requiring multiple head movements between non-contiguous clusters with the spin delay associated therewith (col. 4, lines 38 – 44, Jernigan).

- ◆ As per claim 2, 23, the combination of Patton and Jernigan disclose:
 - “Adjacent area is a sector next to the area where said metadata is stored”. See col. 8, lines 45 – 49, Jernigan.
- ◆ As per claim 3, 24, the combination of Patton and Jernigan disclose:
 - “An adjacent area having a fixed length is allocated” See col. 5 line 1 of Patton.
- ◆ As per claim 4 - 5, 25 – 26, the combination of Patton and Jernigan disclose:

Art Unit: 2161

- “Link information is described as a path and a file name of said binary data” See col. 4 line 45 – 47 of Patton. Patton discloses the “address pointer” that corresponding image sequence. Therefore, this address corresponds to the “path and file name”.

◆ As per claim 6, 27

Claims 6, 27 include all limitation in claim 1 and 22 further include a registration step of registering link information (See col. 4, lines 2 – 6, col. 8, lines 57 – 61, Jernigan).

◆ As per claim 10, 21, 31, the combination of Patton and Jernigan disclose:

- “Storage medium is a magneto-optic disk” See col. 3 line 54 – 60 of Patton.

◆ As per claim 11 - 12, 32 – 33, the combination of Patton and Jernigan disclose:

Claims 11 – 12 include: “generating an area file having a size the same as that of said metadata storage area and holding the file on said storage medium”. Patton teaches that the user can control the frames will be captured (col. 3 line 66 – col. 4 line 1 of Patton). As noted above, the metadata also automatically recorded with the image (see col. 4 line 20 – 28 of Patton).

Therefore, the user can generate an area file having the same size as metadata storage area. It is logical steps for delete an area file, then stored metadata from the start position of an area.

◆ As per claim 13 - 15, 34 – 36, the combination of Patton and Jernigan disclose:

- “First storage area is allocated in a directory where said binary data is stored” See col. 4 line 64 – 67 of Patton.

◆ As per claim 16, 37, the combination of Patton and Jernigan disclose:

- “Metadata includes description of information specifying related binary data” See col. 4 line 27 – 39 of Patton.

◆ As per claim 20, the combination of Patton and Jernigan disclose:

Art Unit: 2161

- “Binary data is at least one of still image data, video data, sound data and music data”

See Fig. 4 of Patton. Patton discloses that the binary data that stored can be an image, sound or music.

4. Claims 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al (U.S. 6,408,301) in view of Jernigan, IV et al (U.S. 5,574,907) as applied to claims 1 – 6, 9 – 16, 19 – 27, 30 – 37, 39 – 43 above, and further in view of Levy et al (U.S. 6,505,160).

♦ As per claim 17 - 18, 38,

The combination of Patton and Jernigan fails to discloses “Metadata is described in a predetermined data description language such as XML, SGML, and TIFF)”

However, Levy, on the other hand, discloses that the connection between the server and user may be wire or wireless connection using standard wire or wireless communication like XML (See col. 5 line 59 – 66, Levy).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Levy into the combination of Patton/Jernigan because the communication protocols like XML, HTML are well known and are standard communications.

Response to Arguments

5. Applicant's arguments filed 12/08/04 have been fully considered but they are not persuasive.

Applicant argues that the Jernigan patent deals with already stored data and with reconfiguring the already stored data and not with the storing of data. The Examiner respectfully disagrees.

Art Unit: 2161

Jernigan patent deals with the reconfiguring data that is moving data from one place to another. Jernigan stores data in a different place in a memory. Therefore, the patent does teach about the storing of data as in the instant application.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161



ALFORD KINDRED
PRIMARY EXAMINER